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September 22, 2003

Ms. Esther Borsuk
Examining Attorney
U.S. Patent and Trademark Office
Law Office 116

BY FAX: (703) 746-8116

Re: **Request for Stipulation to Suspend Appeal and Remand for Consideration of
Trademark Coexistence Agreement**

Application SN: 78/107053
Mark: **BLACK RHINO COFFEE**

Dear Ms. Borsuk:

I refer to the above-referenced trademark application, which was the subject of a **FINAL** Office Action dated January 27, 2003. An appeal to the TTAB was timely taken on July 25, 2003.

The Applicant and the non-profit corporation which owns the cited registration for **THE BLACK RHINO COOKIE COMPANY** have been discussing a Trademark Coexistence Agreement since April 2003. A final agreement was recently concluded in which, among other things: (i) the owner of the cited registration consents to registration of Applicant's **BLACK RHINO COFFEE** mark, (ii) the parties acknowledge that there have been no known instances of confusion to date, and are unlikely to be any in the future, and (iii) the parties' respective uses of their mark are delineated. In light of this Trademark Coexistence Agreement, which could not have been previously submitted due to the time it takes to conclude such agreements, I respectfully request that you stipulate to a suspension of the appeal and remand of the case for consideration of the Trademark Coexistence Agreement. (See TBMP § 1207.2)

If you have any questions or comments, please feel free to call me at the number listed above, or on my cellphone at (702) 806-3328.

Thank you for your consideration. I look forward to your response.

Yours sincerely,


Gregory F. Buhyoff

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Date: September 22, 2003
To: Ms. Esther A. Borsuk, Examining Attorney, Law Office 116
Fax No.: (702) 746-8116
From: Gregory F. Buhyoff
Re: Request for Stipulation to Suspend Appeal and Remand for Consideration of Trademark Coexistence Agreement
No. of pages (including this cover sheet): 2

MESSAGE:

Dear Ms. Borsuk:

Please see the attached letter.

Thank you.

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2003 SEP 24 A 8:00

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